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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,061	02/25/2004	Koji Omac	249291US8	8941
22850	7590	06/02/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
FARAGALLA, MICHAEL A				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
06/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/785,061

Applicant(s)

OMAE ET AL.

Examiner

MICHAEL FARAGALLA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the request for continued examination filed by the applicant on 02/29/2008.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claims 1-13, the term "assigned in common" is not fully supported by the specification, since it indicates that the addresses of the transfer devices are the same. If that is the case, it is respectfully requested that the applicant point to the specific part of the spec that supports this limitation.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1-13, the limitation of "transfer devices transferring the packets to the mobile terminal, to an anycast address assigned in common with the plurality of transfer devices", the Examiner would like to point out that it is not specific as to what "assigned in common" exactly means, since the term indicates that the addresses of the transfer devices are the same.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsirtsis et al (Publication number: US 2005/0243766)** in view of

Heinonen et al (Publication number: US 2004/0202132) in view of Rajahalme (Publication number: US 2004/0107234).

Consider **Claims 1 and 3**, Tsirtsis et al show a communication system (figure 1) including a plurality of transfer devices (read as SIP server nodes) for transferring packets to a current location of a mobile terminal, an access router device arranged in a network to be able to connect to the mobile terminal, a plurality of routers connecting the access router device and each of the plurality of transfer devices (read as nodes 102, 138), and the mobile terminal connected to the access router device to receive the packets from one of the plurality of transfer devices through the access router device, the system comprising:

- (a) A first transmitter (read as end node 1 or N) provided at the mobile terminal configured to transmit instruction information, which instructs one of the plurality of transfer devices to transfer the packets to the mobile terminal to an address assigned with the plurality of transfer devices (figure 1; paragraphs 34,35, and 40); (the end node registers its session signaling address with the paging location server in the visited domain, and also registers the session signaling address of the paging and location server in the visited domain with its home session signaling servers. Therefore, when the mobile device registers, packets are forwarded to it by way of Home SIP server node or visited SIP server node).
- (b) A second transmitter provided at the access router device configured to receive the instruction information and to relay the instruction information to a

router included in the plurality of routers and connected to the access router device (read as access node) (figure 1; paragraph 26); (the access nodes may be a base station in a cellular communication system).

(c) A third transmitter provided at the access router device configured to transmit the instruction information to a transfer device which has a shortest distance from the access router device on the network among the plurality of transfer devices (figure 1; paragraph 26); (the access nodes may be a base station in a cellular communication system).

(d) A fourth transmitter (at the SIP sever nodes) provided at the transfer device which has a shortest distance from the access router device configured to receive the instruction information and to transmit specification information, which specifies the transfer device which has a shortest distance from the access router device to the mobile terminal (figure 1; paragraph 34); (figure 1; paragraphs 31 and 32); (when the mobile node registers, a signal is send back to the home server from the visited server as shown in figure 1, which is read as specification information, because that identifies which network the mobile is currently registered in. Furthermore, when a mobile node is registered in a visited network, the visited SIP server is read as transfer device that has shortest distance from the access router).

However, Tsirtsis et al do not specifically show that the request is a request for information.

In related art, Heinonen et al show that the request is a request for information (figure 1; abstract; paragraphs 51 and 52).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Heinonen et al into the teaching of Tsirtsis et al in order to enable a mobile phone to resume connection with a website while it is moving (Heinonen et al, paragraph 17).

However, Tsirtsis et al in view of Heinonen et al do not specifically show that the an anycast address is assigned in common with the plurality of transfer devices. In related art, Rajahalme shows that the an anycast address is assigned in common with the plurality of transfer devices (see abstract; figure 3; paragraph 42); (a server can be chosen to receive data according to a decision of an anycast agent).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Rajahalme into the teaching of Tsirtsis et al and Heinonen et al in order to provide authorization of anycast servers (see Rajahalme; abstract).

Consider **Claim 2**, Tsirtsis et al show the communication system according to claim 1, wherein each of the plurality of transfer devices transmits packets, transmitted from a communication opponent (read as mobile ipv4 home agent) device and addressed to the mobile terminal, to the access router device based on an on-link care of address which indicates a location of the current location of the mobile terminal, the first transmitter transmits the request, instruction information, which instructs one of the plurality of transfer devices to transfer the

packets to the mobile terminal based on the on-link care of address of the mobile terminal, the fourth transmitter further configured to transfer the packets based on the on-link care of address of the mobile terminal in accordance with the instruction information, and the mobile terminal includes an acquisition unit configured to acquire the specification transmitted from the third transmitter (paragraphs 8,26,27,34 and 41).

Consider **claim 4**, Tsirtsis et al show the mobile terminal according to claim 3, further comprising:

A first manager configured to manage an on-link care of address which indicates a location of the current location of the mobile terminal, wherein, the first transmitter transmits the first instruction information when the on-link care of address which indicates a location of the current location of the mobile terminal, wherein when the on-link care of address managed by the first manager is changed (paragraphs 8, 34, and 42).

Consider **Claim 5**, Tsirtsis et al show the mobile terminal according to claim 3, a second manager is configured to manage information which specifies a transfer device currently used for packet reception, and a second transmitter configured to transmit a second instruction information to the transfer device specified by the specification information and to transmit third instruction information to a home agent device, when the specification information is different from the information device managed by the second manager, wherein the second instruction

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information instructs the transfer device specified by the specification information to transfer the packets to the mobile terminal based on an on-link care of address which indicates a location of the current location of the mobile terminal, and the third instruction information instructs the home agent to transfer the packets to the mobile terminal based on the specification information (paragraphs 8, 34, and 42).

Consider **Claim 6**, Tsirtsis et al show the mobile terminal according to claim 5, wherein information specifying the transfer device received by the receiver is necessary for generating a regional care-of address which contains information specifying a network in which the transfer device is present, a generator is disposed to generate the regional care-of address based on information necessary for generating the regional care-of address, and the second manager manages the regional care-of address generated by the generator as information which specifies a transfer device currently used for a packet reception (paragraphs 8,26,27,34 and 41).

Consider **Claims 7 and 8**, Tsirtsis et al show the mobile terminal according to claim 5, wherein information specifying the transfer device received by the receiver is the regional care-of address received by the receiver as information which specifies a transfer device currently used for packet reception, further when a first regional care-of address received by the receiver is different from a second regional care-of address managed by the second manager, first

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instruction information to instruct execution of packet transmission processing based on a correspondence between the first regional care-of address and the on-link care of address managed by the first manager, to a transfer device which has transmitted the first regional care-of address, and transmits second instruction information to instruct execution of packet transmission processing based on the first regional care-of address, to the home agent service (paragraphs 8,26,27,34 and 41).

Consider Claim 9, Tsirtsis et al show the mobile terminal according to claim 3, further comprising: a first acquisition unit configured to acquire the specification information specifying the transfer device which has the shortest distance from the access router device received by the receiver as information which specifies a transfer device used for packet reception, wherein the first transmitter transmits the first instruction information, which instructs one of the plurality of transfer devices to transfer the packets to the mobile terminal based on an on-link care of address which indicates a location of the current location of the mobile terminal (figure 1; paragraph 34); (figure 1; paragraphs 31 and 32); (when the mobile node registers, a signal is send back to the home server from the visited server as shown in figure 1, which is read as specification information, because that identifies which network the mobile is currently registered in. Furthermore, when a mobile node is registered in a visited network, the visited SIP server is read as transfer device that has shortest distance from the access router).

Consider **Claim 10**, Tsirtsis et al as modified by Heinonen et al show the mobile terminal according to claim 9, the mobile terminal further comprising: a first manager for managing the on-link care of address of the mobile terminal; a second manager for managing information which specifies a transfer device currently used for packet reception; and a third transmitter for transmitting a fourth instruction to the transfer device currently used for packet transmission, when the on-link care of address managed by the first manager is changed, wherein, the fourth instruction information instructs the transfer device currently used for packet reception to transfer device currently used for packet reception to transfer the packets to the mobile terminal based on the changed on-link care of address, and after the execution of the transmission processing of the fourth instruction information by the third transmitter, the first transmitter transmits the first instruction information at each time interval shorter than the fixed period of time (figure 1; paragraphs 8, 34,35, and 40); (the end node registers its session signaling address with the paging location server in the visited domain, and also registers the session signaling address of the paging and location server in the visited domain with its home session signaling servers).

Consider **Claim 11**, Tsirtsis et al show a mobile terminal (read as end node 1 or N in figure 1) used in a communication system which includes a plurality of transfer devices for transferring packets to a current location of the mobile terminal, a plurality of access router devices arranged in a network to be able to connect to the mobile terminal, and the mobile terminal connected to an access

router device to receive the packets from a transfer device through the access router device, the mobile terminal comprising:

(a) A first transmitter configured to transmit instruction information which instructs a transfer device to execute transmission processing, based on a correspondence between the on-link care of address of the mobile terminal, which indicates a location of the current location of the mobile terminal, and a predetermined regional care of address which indicates address regarding the plurality of transfer devices, to the access router device connected to the mobile terminal (figures 1 and 2; paragraphs 8, 34,35, and 40); (the end node registers its session signaling address with the paging location server in the visited domain, and also registers the session signaling address of the paging and location server in the visited domain with its home session signaling servers). However, Tsirtsis et al show transmitting instruction information which instructs a transfer device to execute transmission processing based on a correspondence between the on link care of address and a predetermined regional care of address and further do not specifically show that the instruction information instructs the transfer device to execute packet transmission and further do not show a second acquisition unit configured to acquire the regional care of address which has been transmitted from a transfer device, which has a shortest distance from the access router device on the network among the plurality of transfer devices, and which the transfer device is present, as information which specifies a transfer device used for packet reception, in a case where the predetermined regional care of address contains no information specifying a network in which

the transfer device is present when the instruction information is transmitted to the transfer device based on the anycast address relayed to be transmitted through the access router device.

In related art, Heinonen et al show that the instruction information instructs the transfer device to execute packet transmission and further show based on a correspondence between the on link care of address and a predetermined regional care of address and further show a second acquisition unit configured to acquire the regional care of address which has been transmitted from a transfer device, which has a shortest distance from the access router device on the network among the plurality of transfer devices, and which the transfer device is present, as information which specifies a transfer device used for packet reception, in a case where the predetermined regional care of address contains no information specifying a network in which the transfer device is present when the instruction information is transmitted to the transfer device based on the anycast address relayed to be transmitted through the access router device (figure 1; abstract; paragraphs 51 and 52).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Heinonen et al into the teaching of Tsirtsis et al in order to enable a mobile phone to resume connection with a website while it is moving (Heinonen et al, paragraph 17).

Consider **Claim 12**, Tsirtsis et al as modified by Heinonen et al show the mobile terminal according to claim 11, further comprising: a fourth transmitter is

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disposed to transmit fifth instruction information, which instructs execution of the packet transmission processing based on the regional care-of address, acquired by the acquisition unit to a home agent device (figure 4).

Consider **Claim 13**, Tsirtsis et al as modified by Heinonen et al show the mobile terminal according to claim 3, wherein the information specifying the transfer device is an address located to the transfer device, the mobile terminal further comprising: a third manager disposed to manage an address of a transfer device currently managed by the manager, information to instruct execution of transmission processing based on the address of the first transfer device, to the home agent device wherein the specification information received by the receiver is an address allocated to the transfer device having the shortest distance from the access router device, the sixth instruction information instructs the home agent to transfer the packets to the mobile terminal based on the address allocated to the transfer device having the shortest distance from the access router device, and the fifth transmitter transmits the sixth instruction information, when the address allocated to the transfer device having the shortest distance from the access router device having the shortest distance from the access router device is different from the address managed by the third manager.

(figure 4; paragraphs 53 and 54).

However, Tsirtsis et al show transmitting instruction information which instructs a transfer device to execute transmission processing based on an on link care of address regarding the mobile terminal but do not specifically show that the

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instruction information instructs the transfer device to execute packet transmission.

In related art, Heinonen et al show that the instruction information instructs the transfer device to execute packet transmission (figure 1; abstract; paragraphs 51 and 52).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Heinonen et al into the teaching of Tsirtsis et al in order to enable a mobile phone to resume connection with a website while it is moving (Heinonen et al, paragraph 17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL FARAGALLA whose telephone number is (571)270-1107. The examiner can normally be reached on Mon-Fri 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Michael Faragalla/
Examiner, Art Unit 2617

05/24/2008